

Message Text

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ACTION EA-14

INFO OCT-01 ADP-00 EB-11 COME-00 L-03 TRSE-00 OMB-01

CIAE-00 INR-10 NSAE-00 RSC-01 RSR-01 /042 W

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R 051131Z JUL 73

FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC 4553

LIMITED OFFICIAL USE BANGKOK 10376

E.O. 11652: N/A

TAGS : BGEN, PFOR, TH

SUBJECT : ALIEN BUSINESS DECREE EXEMPTION

REF : STATE 127807

1. FOLLOWING JUNE 15 MEETING WITH MFA (REFTEL), EMBASSY HAS INQUIRED PERIODICALLY ABOUT STATUS OF CONSIDERATION OF TWO CASES MENTIONED AND HAS BEEN INFORMED THAT STUDY OF THEM COMPLETED AND THAT MFA OPINION ON APPLICABILITY OF TREATY TO THEM NOW EN ROUTE TO MINISTRY OF COMMERCE. HOWEVER, CONTENT NOT YET DISCLOSED. AS REPORTED IN CRAMER JUNE 15 MEMCON, POINT WAS STRESSED THAT NATIONAL TREATMENT PROVISION OF AER, WHICH RTG RECOGNIZES, SHOULD MEAN THAT DECREE 281 NOT APPLICABLE TO AMERICAN FIRMS THAT WANT TO ESTABLISH SUBSEQUENT TO DECREE AND DO NOT CHOSE TO REGISTER UNDER IT.

2. EMBASSY HAS CONTACTED BANGKOK ATTORNEY FOR HOTEL PROJECT WHO ALSO FAMILIAR WITH CHAI LETTER (REFTEL). CHAI HAS TOLD THE ATTORNEY THERE IS NO AUTHORITY IN 281 TO EXEMPT BUSINESSES IN CATEGORIES A OR B FROM THE LAW, EXCEPT OF COURSE FOR THOSE AMERICAN FIRMS IN THESE CATEGORIES THAT WERE ESTABLISHED BEFORE DECREE WENT INTO EFFECT. CHAI ALSO SAID THAT PROMOTED INDUSTRIES ACT PERMITS ONLY PARTIAL EXEMPTION FROM 281. HOTEL PROJECT RECEIVED APPROVAL ON ITS APPLICATION FOR A PROMOTION CERTIFICATE BEFORE PROMULGATION OF 281 BUT THE REQUIRED HEARING ON
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IT BEFORE THE BOARD OF INVESTMENT WAS NOT HELD UNTIL AFTERWARD.
AS A RESULT, THE APPROVAL OF THE CERTIFICATE CONTINUES IN THE

PENDING CATEGORY ON THE GROUND THAI PERCENTAGE OF OWNERSHIP IS
LESS THAN 50.

3. STATEMENT CONTINUES TO BE TRUE THAT MANUFACTURING FIRMS
THAT TAKE ADVANTAGE OF THE PROMOTED INDUSTRIES ACT WILL, AS A
RULE, BE EXEMPTED FROM ALL OR MOST OF THE PROVISIONS OF THE
ALIEN BUSINESS DECREE, DEPENDING ON THE NEED.

4. EMBASSY WILL INFORM DEPARTMENT AS SOON AS POSITION OF MFA
ON TWO COMPANIES IN QUESTION CAN BE OBTAINED.
MASTERS

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